AUSTRIAN REPORT 2012

ON MEASURES TO PROTECT AND PROMOTE THE DIVERSITY OF CULTURAL EXPRESSIONS

<u>5uiiiilary</u>	1
1. General information	2
2. Measures	3
2.1. Cultural policies and measures	3
2.2. International cooperation and preferential treatment	11
2.3. Integration of culture in sustainable development policies	13
2.4 Protecting cultural expressions under threat	14
3. Awareness-raising and participation of civil society	14
3.1. Involvement of civil society	14
3.2. Raising awareness for the Convention	17
3.3. Collection, sharing and exchange of data and information	18
4. Main achievements and challenges to the implementation of the Convention	19
Annex 1 Complementary data and information (sources and statistics)	22
1. Main sources and links	22
2. Reporting on available statistics	27
Annex 2: Advisory Panel on Cultural Diversity	34
Annex 3: Working Group on Cultural Diversity	35

Summary

Maintaining and developing the necessary conditions for a diversity of cultural expressions to flourish is a key mission of Austrian cultural policy. Since the entry-intoforce of the Convention, Austria has initiated a range of measures to supplement existing cultural policy instruments, eg.:

- to support emerging artists at the beginning of their career, by introducing specific scholarships, mentoring-programmes, promotion and coordination platforms, and funding schemes;
- to foster cultural participation and access to culture, in particular of the younger generation, and specific target groups (e.g. socially and/or economically disadvantaged persons, migrants), by free admission to cultural institutions, educational and partnership initiatives, and specific support programmes;
- to improve working conditions in the cultural sectors, by establishing an interministerial cooperation model to elaborate the specific need of artists, professionals and practitioners in the cutural sector;
- to safeguard a local cultural infrastructure in disadvantaged geographical areas, by supporting the digitisation of movie theatres;
- to encourage the development of viable and competitive enterprises, by introducing training, education and advisory services, networking platforms and financial support as well as an internationalisation offensive;
- to enhance the diversity of media, by introducing new funding schemes for commercial and non-commercial broadcasters;
- to promote international cultural exchange, by presenting Austrian art and culture abroad, initiating exchange programmes and artists in residencies as well as new bilateral cultural cooperation programmes;

Specific attention has been given to encourage the active participation of civil society in the elaboration and implementation of cultural policies – on federal, province as well as municipal level. Additionally, coordination mechanisms dedicated to the Convention have been established to ensure inter-institutional cooperation and the involvement of civil society. Activities and actions to raise awareness for the Convention range from presentations at events, to information meetings for political decision-makers, to the production of specific information material and the set up of an online platform on the Convention, to a stock-taking exercise and analysis of possible courses of action to further the implementation in selected policy fields as well as a survey to showcase concrete implementation examples.

While many challenges remain, the Convention introduced a new perspective and general framework for reference in Austria, which is reflected in the growing awareness for the cross-cutting nature of culture and its added value for economic and societal development.

1. General information

(a) Name of Party: Austria

(b) Date of ratification: 18. December 2006

(c) Ratification process:

2006/04/28: submission of the draft government act on the ratification of the Convention, adopted unanimously by the Council of Ministers, to the Austrian Parliament (National Council and Federal Council)

2006/07/12: ratification of the Convention by the National Council by unanimous vote 2006/07/26: approval of the ratification by the Federal Council also by unanimous vote

2006/08/07: signing by the Federal President, Dr. Heinz Fischer

2006/08/08: countersigning by the Federal Chancellor, Dr. Alfred Gusenbauer 2006/12/18: deposition of the Austrian instrument of ratification with the UNESCO Director-General, Dr. Koïchiro Matsuura

2007/03/24: announcement of the ratification and the Convention in the Austrian Federal Law Gazette (BGBI. III Nr. 34/2007)

(d) Total contribution to the IFCD (to date): USD 25.575,40

(e) Organisations responsible for the preparation of the report:

Austrian Federal Ministry for Education, Arts and Culture Austrian Federal Ministry for European and International Affairs

(f) Officially designated point of contact:

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(g) Date report was prepared: January – April 2012

(h) Name of designated official(s) signing the report:

Ambassador Martin Eichtinger, General Director for Cultural Policy, Federal Ministry for European and International Affairs

(i) Consultation process established for the preparation of the report:

To ensure the involvement of all relevant public authorities in all sectors and at all levels as well as the involvement of civil society <u>a twofold consultation process</u> was established for the preparation of the report:

1) Collection of information and data on implementation measures:

To showcase measures taken which are contributing to the implementation of the Convention, the Point of Contact conducted a survey in 2011, explicitly addressing all Federal Ministries and governments of the *Laender* (federal provinces). Additionally, a call for contributions invited local governments, municipalities, civil society and the private sector to exemplify their activities contributing to the implementation of the Convention. This call was distributed as widely as possibly, using existing communication channels of the culture sector (e.g. announcements on websites, in newsletters and periodic publications; presentations at meetings and conferences). Furthermore it should be noted that the Austrian Commission for UNESCO commissioned a stocktaking exercise, which provided an expert

evaluation of the implementation and application of the Convention in Austria (see Annex 1).

2) Consultation on the draft report:

The modalities of the invovlement of civil society were discussed at several occasions in 2011 (e.g. expert meeting on the Convention, 17/05/2011, 17th meeting of the *Austrian Working Group on Cultural Diversity*, 26/09/2011). The present civil society representatives unanimously agreed to comment on the draft report. Therefore the draft was distributed in March 2012 among the members of the *Austrian Working Group* (consisting of experts, artists, cultural workers and their interest groups, see Annex 3) for comments. Likewise the *Advisory Panel on Cultural Diversity*, (see Annex 2) was consulted for comments on the draft report.

2. Measures

2.1. Cultural policies and measures

2.1.1. Maintaining and developing cultural diversity as key political mission

"Maintaining and developing Austria's cultural diversity and open climate" is defined as the key mission in the field of cultural policy in the programme of the Austrian Federal Government for the 24th Legislative Period (2008 – 2013). Furthermore the programme explicitly refers to the UNESCO Convention, stating that "within the scope of international and bilateral trade agreements, the Government will also continue to give consideration to the preservation of special features of our country's cultural sector and the special character of its cultural assets and services (...)". Against the backdrop of this programme, the Austrian Federal Government has initiated a range of measures, contributing to the implementation of the UNESCO Convention. The following are examples of such measures.

Please note that the examples given focus on measures initiated or adapted / enlarged substantially since the Convention entered into force. Please refer to the Annex for sources on the general cultural policy framework in Austria and on further information on policies and measures promoting the diversity of cultural expressions initiated before 2007.

Further it should be noted, that Austria is a Member State of the European Union, therefore competences for certain areas covered by the Convention were transferred to the European Union.

2.1.2. Supporting contemporary art production, paying special attention to young emerging artists

In 2009 the Art Department of the Federal Ministry for Education, Arts and Culture (BMUKK) introduced a new scholarship programme named *START-scholarship* to promote young, emerging artists in all branches at the beginning of their professional career by supporting their work and their involvement in the Austrian and international art scene. 90 START-scholarships are awarded annually, each endowed with USD 8.800 (6.600 euros) for a period of six months (USD 1.467, 1.100 euros / month), paying special attention to female artists. (2009 62% of the scholarship holders were women). There is a high level of demand for this scholarship (more than 600 applications in 2009), showing that the scholarship meets a need.

Additionally, a mentoring-programme for female artists in all branches was introduced by the Federal Ministry for Education, Arts and Culture in 2011. The initial launch of the project in 2011, to be continued in 2012, was a result of the consultation process with civil society representatives and artists during the inter-ministerial talks (see chapter 3), which showed the need for a special "career exploration instrument" for female artists. The objective of the programme is to support know-how transfer between established and emerging female artists by assisting the tandems of mentee/mentor through workshops, networking meetings and supervision. The evaluation of the pilot phase (by detailed questionnaires) showed broad approval for the programme and that most of the objectives individually defined by each tandem were achieved.

In addition to these cross-disciplinary measures a **coordination centre for young talents in the film sector** has been established in 2009 at the Ministry for Education, Arts and Culture in cooperation with the Austrian Film Institute (ÖFI). The centre coordinates federal initiatives for the promotion of young filmmakers, functions as advocacy and networking centre and strives to create, in cooperation with the relevant stakeholders, new opportunities for young professionals to establish themselves on the national and international film market. These measures include selective support programmes, promotion of scheduling their works in theatres, in broadcasting and on digital platforms, the establishment of a pool of film experts and professionals for mentoring and networking, etc.

The initiative *New Austrian Sound of Music*, or NASOM, is a successful support programme initiated and sponsored by the Federal Ministry for European and International Affairs (FMEIA) for young musicians from the genres of classical music, jazz, pop, new music, and new folk music/world music. Implemented by the Austrian cultural fora, embassies and consulates through the organization and financing of concerts, NASOM's objective is to help promising young talents in finding opportunities to perform abroad. 2007-2011 a total number of 100 artists benefited from the programme. The artists' selection is done in cooperation with the Federal Ministry for Education, Arts, and Culture (BMUKK), the Music Information Center Austria (MICA), Austrian music universities, and "Gradus ad Parnassum", a music competition programme.

With the aim of highlighting the important role of **women in Austrian music**, a reference book "Frauen/Musik/Österreich" (Women/Music Austria) was published in 2009. To present the continuously updated full range of female musicians and composers in Austria, a database was set up in 2010 in cooperation with MICA. Both book and database were sponsored by the FMEIA.

Next to the federal level, the *Laender* have also launched initiatives to support artists at the beginning of their careers. In 2008 for example the Department for Culture, Society and Generations of the government of Salzburg initiated Podium, a biennial call for artistic projects of young artists and cultural initiatives, who engage in new, innovative artistic expressions and explore new spaces for the arts. The objective of the initiative, which was developed in consultation with the Association of Cultural Initiatives in Salzburg, is to strengthen the visibility of artistic creation in Salzburg and give artists and cultural initiatives the opportunity to realize and present innovative artworks to a larger public. The criteria for projects eligible to apply for funding are deliberately kept open so as to react flexibly to unconventional approaches and experimental formats. Projects should, however, be public, exploring new spaces for the art, presented for the first time in the City of Salzburg or the Land Salzburg and attract interest for the arts. For each call the Department provides USD 133.333 (100.000 euros) for project funding. The projects are selected by an independent jury, the composition of which varies each biennium. Since the first call in 2008 32 projects have been realized, ranging from artistic performances in taverns (Kreisverkehr by Jakob Buchner, Thomas Stadler, Kulturverein KunstBox Seekirchen / Gruppe 2009) to three-dimensional, accessible print magazines (Living (in a) magazine by Mariam Lempert, MARK Verein Jugend in Salzburg, 2010). The objectives of strengthening visibility for artistic expressions of the young generation and exploring new spaces for encounters with art have been reached, based on an assessment of the number of responses to the call for entries, numbers of visitors at the individual project sites, media coverage and feedback by the participants.

2.1.3. Improving working conditions in the cultural sector

Building upon the evidence-based analysis and data provided by the study "On the social situation of artists in Austria" commissioned by the Federal Ministry for Education, Arts and Culture in 2008, the Ministry initiated, in cooperation with the Federal Ministry for Labour, Social Affairs and Consumer Protection, a broad discussion process on possible measures to improve the social situation and working conditions of artists in Austria (for further details on the consultation process see chapter 3.1.2.). Following the recommendations elaborated in this process a new Artists' Social Security Structural Law has been drawn up, which entered into force in 2011. A cornerstone of this legislation is the establishment of a service centre for artists at the Social Security Institute for Trade and Industry. Given the complexity of typical artists' careers (precarious employment, new forms of self employment, parttime work as well as multiple job-holding) this service centre intends to simplify and facilitate administrative procedures by providing for a "one stop shop" on social security matters for artists. A further amendment introduces the possibility for self-employed artists to register their activity as dormant and consequently have the right to claim unemployment benefits. Since the introduction of this measure in the beginning of 2011, more than 250 artists have used the possibility of registering their activity as being dormant. To monitor the activities of the service centre a data base has been established. Feedback by the insured confirms that the service centre provides improved and comprehensive support for artists in all social security matters. However, the overall customer satisfaction has yet to be assessed.

2.1.4. Safeguarding the future of arthouse, small and regional cinemas

In 2011 the Federal Ministry for Education, Arts and Culture announced to support the digitisation of arthouse/repertory cinemas and small and regional cinemas. The announcement was preceded by consultations with sector stakeholders and the concerned trade associations in the Austrian Federal Economic Chamber. According to the trade association, the rapid conversion from analogue to digital projection technology is putting increased pressure on repertory, small and regional cinemas, especially since film distributors are more and more switching to digital film copies and many smaller cinema exhibitors cannot afford to convert their screens to digital projection technology without financial support. A recent analysis by the European Digital Cinema Report (2011) confirms that less screens are digitized the smaller the cinema site in Austria is. The same is true for the number of screens an exhibitor operates (80% – of a total of 231 – screens operated by major exhibitors are digitised, compared to 17% - a total of 129 - digitised screens operated by small exhibitors). Therefore, the ministry decided to provide USD 1,3 million (1 million euros) in total as co-financing for the digitisation of cinema screens, earmarking USD 650.000 for repertory cinemas and USD 650.000 for small and regional cinemas. The purpose of the programme is twofold: first, to safeguard the programming of independent and arthouse films in Austrian movie theatres and second, to ensure the future existence of local cinemas and therewith counter the continuing concentration of cinemas in major conurbations. Repertory cinemas are defined according to the Ministry by i.a. a highquality programme, a high percentage of Austrian (min. 10%) and European (min. 30%) productions, film education measures and the hosting of film festivals. The criteria for small and regional cinemas were defined by representatives of cinemas and film distributors, specifying that cinemas, with a regular service of a hundred days per year minimum and at least 5% Austrian and 15% European productions are eligible. Both repertory cinemas and small and regional cinemas must have no more than five screens. Co-financing by the cinema exhibitor, distributors, the province or municipal level is a pre-condition for funding from the federal Ministry. The Ministry assumes that up to 125 screens will be digitised. An evaluation of the effects of the measure is possible in 2012 at the earliest.

It should be noted that several *Laender* have introduced temporary funding schemes for the digitisation of repertory cinemas (e.g. Vienna with a budget of USD 200.000 (150.000 euros) in 2011) and / or small and regional cinemas (e.g. Styria with a budget of USD 80.000 (60.000 euros) in 2012).

2.1.5. Encouraging the development of cultural enterprises

In 2008 the Federal Ministry for Economy, Family and Youth introduced evolve – Austria's Initiative to Support Innovation in the Creative Industries in cooperation with Austria economic service and arge creativ wirtschaft austria (representing the creative industry within the Austrian Federal Economic Chamber), who are also responsible for the implementation of the initiative. Approximately USD 33 million (25 million euros) are invested in the initiative running from 2008 to 2013. The main objective of the initiative is to strengthen the competitive and innovative capacity of the Austrian creative industry (understood as all enterprises engaged in the creation, production and (media) distribution of creative and cultural goods as well as in the

provision of creative and cultural services, that have an economic value) by a package of measures tailored to meet the individual needs of the different branches in different stages of development. These measures include training, education and advisory services, networking as well as financial support. A key component of *evolve* is the funding programme *impulse*, supporting the experimental development, first market application and distribution of creative goods and services, pilot projects and best-practice initiatives. Besides the direct promotion of companies or projects, *evolve* aims to raise the level of awareness for the concerns of the creative industries and takes measures to strengthen the public acceptance and visibility of creative goods and services. The main challenge in the implementation of the initiative is meeting the needs of the target group – as the creative industries is a cross-section branch and is made up mainly of micro-enterprises, marked by a high degree of heterogeneity and highly differing needs. Evaluation and accompanying monitoring of *evolve* are conducted by the *Austrian Institute for SME Research*.

2.1.6. Promoting cultural expressions abroad

In 2005 the Federal Ministry for Economy, Family and Youth introduced the internationalisation offensive go international in cooperation with the Austrian Federal Economic Chamber. It included a strategic plan to encourage enterprises active in the creative sector to step across the border by offering advisory services, events and support, as well as making it easier for existing exporters to enter additional foreign markets. The initiative is implemented by the Creative Industries Office of ADVANTAGE AUSTRIA at the Federal Economic Chamber, founded in 2005 to meet the needs of the creative sector. Activities under the initiative include inter alia workshops on export marketing, trade and fact-finding missions, support for presentations at trade fairs, publication of special directories and catalogues and networking- and matchmaking meetings bringing together Austrian entrepreneurs with potential foreign customers. In the period of 2009 to 2010 USD 2.6 million (2 million euros) were invested in the creative industries strand of the go international initiative. The objective during this programming period was to increase the non-domestic turnover of 400 creative enterprises by participating in go international activities. An evaluation, based on feed-back sheets distributed to participants of go international events, showed the success of the programme: between April 2009 and March 2011 more than 400 Austrian entrepreneurs increased their non-domestic turnover. Moreover, the Fourth Austrian Report on Creative Industries (2010) shows a remarkable export performance of the sector: In 2009 almost every second enterprise mostly larger enterprises - had business relations with customers abroad. For one in ten enterprises, customers from abroad constitute the most important target group. The creative industries achieved an export share of 26 percent. By way of comparison, other commercial service sectors achieved a share of twelve percent in the overall exports in 2009. The experiences in the implementation of go international are similar to those reported by evolve. The outreach to micro-enterprises in particular remains a challenge, as a part of this group still is reluctant to cooperate with the Federal Economic Chamber.

2.1.7. Promoting cultural participation of young people

In the beginning of 2010 free admission to the eight federal museums and the Austrian National Library for children and young people up to the age of 19 was introduced. The measure was an outcome of a broad discussion process - initiated in 2007 by the Federal Ministry for Education, Arts and Culture – on the reorganisation of the federal museums, involving experts, political parties, museum directors and media representatives. The objective of the initiative is to enable children to come into contact with culture at an early age and establish museums as a place for learning and leisure activities. The costs amount to USD 4.1 million (3.1 million euros), provided by the federal level within the framework of the annual basic remuneration to the institutions. A challenge in the preparation of the measure was the collection of data on visitor numbers and estimating their future development, as well as the necessary accompanying measures, such as art education and outreach programmes. The development of the visitor numbers is monitored monthly and shows a broad acceptance of the measure among the target group: an increase of 24% in 2010 and of 15,5% in 2011 in visitor numbers under 19, compared to the numbers before the measure was introduced. It is noteworthy to mention that the number of "paying visitors" also went up by 20% in 2010 and 2011.

In addition the Federal Ministry for Education, Arts and Culture, in cooperation with *KulturKontaktAustria* (a competence centre for education, culture and the arts, operating on behalf of and supported by the Federal Ministry for Education, Arts and Culture), started an **educational offensive for schools** in the federal museums in 2010, with a budget of USD 800.000 (600.000 euros). The offensive explicitly focuses on the development of sustainable educational offers for children and young people, who seldom use such cultural offers (e.g. due to their place of residence, their financial background, their language abilities or physical impairment). Even though the short preparation time was initially a challenge, so far 50 new arts education formats have been developed and over 400.000 pupils have participated.

A further policy focus is the establishment of partnerships and cooperation between schools and cultural institutions. In 2009 *KulturKontaktAustria* initiated the *p[ART] programme*, which supports the development of sustainable cooperation projects between schools and cultural institutions over a period of three years. The participating schools and cultural institutions receive funding and are additionally supported through advice, networking and joint events. Additionally the programme *culture connected* was initiated for project-specific cooperation between schools and cultural institutions by the Federal Ministry for Education, Arts and Culture, in 2011. It provides financial support for the realisation of specific projects and its objective is to have each school cooperate with a cultural institution by 2013.

On province level several *Laender* initiated similar measures:

Since 2010 no entry fee is charged for visitors up to the age of 19 at the *Wien Museum* (Vienna Museum) and its 19 exhibition sites as well as the private *Zoom-Kindermuseum* (Zoom Museum for Children). Since 2010 the Upper Austrian State Museum (an association of 12 museums) also offers free entrance to school classes.

To encourage cultural creation by young people, the government of Lower Austria launched the initiative *Come On* in 2007, providing USD 667.000 (500.000 euros) annually for the initiative. The guiding principle of the initiative is that young people decide for themselves what they regard as artistically and culturally interesting and as part of contemporary youth culture. Consequently, the criteria for granting financial aid are defined by the youth and funding recommendations are made by a panel of experts active in the field. To allow for easy accessibility of the programme, hardly any formal criteria are applied: Projects can be submitted from all branches of cultural expressions and by all possible applicants – be it individuals, associations, organisations or institutions. No absolute or relative maximum of possible funding is defined. However, projects have to be developed and implemented by young people between the ages of 14 and 29 and must be on a non-profit basis. The measure is coordinated by *Kulturvernetzung NÖ* (Culture Networking Lower Austria), its regional offices throughout Lower Austria serving as service centre for applicants.

In 2008 the City of Vienna introduced the programme *Cash for Culture* with an annual budget of USD 80.000 (60.000 euros) to promote cultural creation and activities by the youth. *Cash for Culture* grants financial aid of up to USD 1.300 (1.000 euros) for artistic or cultural projects by young people between the ages of 13 to 23. Selected trainers assist and coach the young people in planning, realisation and presentation of their artistic or cultural projects. The initiative is characterized by flexible funding guidelines and unbureaucratic proceedings with short application processing times. These measures were designed to make the programme appealing to the target group, a challenge which was identified early on. The external evaluation of the pilot phase in 2009 attested the initiative to be successful in promoting individual creativity and artistic expression of young people and in strengthening their capacities to take initiatives and carry them out on their own. Since 2008 more than 150 projects were realized.

2.1.8. Strengthening access to culture for socially and/or economically disadvantaged persons

In 2003 the Schauspielhaus Wien (a theatre) created the initiative Hunger auf Kunst und Kultur (Hungry for Art and Culture) in co-operation with the Armutskonferenz (Austrian network against poverty and social exclusion). Building upon the right to cultural participation the initiative aims to promote the accessibility of culture by providing economically and socially disadvantaged persons with the possibility of free entrance to cultural institutions and cultural events via the use of a Kulturpass (culture pass). Every person who would like to participate in cultural activities, but cannot financially afford it - e.g. people who receive social welfare or a minimal retirement pensions, unemployed persons, refuges – may apply for a Kulturpass. The awarding criteria for the Kulturpass are re-assessed annually by the association Hunger auf Kunst und Kultur in close cooperation with social institutions. The Kulturpass is issued free of charge and valid for one year from the date of issue. The distribution is facilitated by the Armutskonferenz and by numerous charitable aid organizations and assistance services as well as by the Sozialzentren der Stadt Wien (Social Centres of the City of Vienna). Free entrance is granted to those cultural institutions that partner with the initiative. Each of these institutions funds the tickets for the Kulturpass holders through donations from individuals, organisations or sponsorship efforts and defines

the guota of seats available for Kulturpass holders. Since 2006 several Laender have decided to participate in the civil society initiative and provide funding and implementation support. Since 2009 six of the nine Austrian Laender, namely Vienna, Salzburg, Styria, Upper Austria, Vorarlberg, Tyrol and the city of Tulln in Lower Austria, cooperate with the initiative. As of 2011, 290 cultural institutions are partners of the initiative and offer about 35.000 Kulturpass holders free entrance to their events. In 2010 about 60.000 tickets were issued to Kulturpass holders. Each federal province produces annual statistics on the number of Kulturpass holders and of tickets issued within their territory. A qualitative assessment of the initiative takes place at the annual meeting of the participating institutions and organisations active in the network, where information and experiences regarding the use of the Kulturpass and the needs of the target group are exchanged. This exchange has lead to the development of several targeted actions, such as the founding of the strategic platform Kultur-Transfer (culture transfer) in 2009, in cooperation with KulturKontaktAustria, the goal of which is to connect social with cultural institutions (financed by the Federal Ministry for Education, Arts and Culture), the annual programme booklet Wurlitzer, first published in 2011, which presents the offer available to Kulturpass holders in an easily accessible language (financed by private donations) or the Social Assistance Service, introduced as pilot project in 2011, offering free entrance to a person accompanying a Kulturpass holder needing assistance (financed by private donations).

The government of Carinthia introduced a similar initiative in 2007. The *KulturPass Kärnten* (culture pass Carinthia) offers persons with low-income a discount of at least 30 percent from the entrance fee of cooperating cultural institutions. Persons eligible for the *KutlurPass Kärnten* are people who receive a minimal retirement pension, recipients of the minimum income, long-time unemployed persons, students, apprentices and holders of the *Behindertenpass* (pass for person with disability). The *KulturPass Kärnten* is issued free of charge and valid for one year from the date of issue. The distribution is facilitated by the district administration authorities, the *Sozialmärkte* (social markets), universities and educational institutions for apprentices in Carinthia. Since 2007 3.800 *KulturPässe Kärnten* were issued and 75 cultural institutions currently cooperate with the initiative. Key to the implementation process is reaching the target group and overcoming existing reservations to increase the acceptance of the *KulturPass* among the target group.

2.1.9. Enhancing the diversity of media

Initiated by the Federal Chancellery, which is responsible for media affairs, two new funding schemes supporting a diverse broadcasting landscape in Austria have been established in 2009, based on an amendment of the Austrian Communications Authority (KommAustria) Law (BGBI. I Nr. 52/2009):

- Since 2009 commercial broadcasting can be financially supported by the "Commercial Broadcasting Fund" (USD 13,3 million (10 million euros) in 2011, USD 16,6 million (12,5 million euros) in 2012 and USD 20 million (15 million euros) in 2013).
- Likewise a new funding scheme for non-commercial private broadcasting has been introduced with the amendment of the KommAustria-Law 2009. The "Fund for the promotion of non-commercial private broadcasting" was

endowed with USD 2,7 million (2 million euros) in 2011, USD 3,3 million (2.5 million euros) in 2012 and USD 4 million (3 million euros) in 2013).

Both funds strive to support the dual broadcasting system in Austria and a high-quality and diversified programme by private – commercial as well as non-commercial – broadcasters. The funds are administered by the *RTR Company* (Austrian Regulatory Authority for Broadcasting and Telecommunications). Since the first funding requests were only approved in 2010, it's too early to assess the impact of these new funding schemes, even though the introduction of the funds has been highly appreciated by private broadcasters, whose professional representations (Austrian Newspaper Association, Assoc. of Austrian Commercial Broadcasters and Austrian Community Radio Assoc.) were consulted in the elaboration of the funds. It should be noted that non-commercial private (radio as well as TV) broadcasters in particular foster access to production skills and broadcasting possibilities of else wise in media production marginalized social groups, such as ethnic minorities or persons with disabilities.

2.2. International cooperation and preferential treatment

2.2.1. Foreign Cultural Policy Concept

International Cooperation is **one of the three priorities** formulated in the Foreign Cultural Policy Concept of the Federal Ministry for European and International Cooperation (FMEIA) 2011. Austria's international cultural cooperation aims at offering sustainable contributions to building worldwide trust and peace by launching initiatives to promote the intercultural as well as inter-religious dialogue. Additionally it promotes the European integration by adhering to the principle of "united and yet diverse".

Strategies to reach the goals of Austrian cultural foreign policy are

- Maintaining and developing efficient networks of Austrian cultural institutions abroad.
- Implementing and supporting projects to promote the inter-religious and intercultural dialog between different cultures at home and abroad.
- Incorporating and implementing Austrian cultural interests in(to) the decision-making processes of the EU and those of international organizations (especially the UNESCO) and promoting cultural initiatives of the EU and those of international organizations (especially of the UNESCO) in Austria.

The FMEIA's network of international cultural policy includes a total of 82 embassies, 30 Cultural Fora, 11 consulates general, 61 Austria libraries, 9 Austria Institutes as well as special offices in Lviv, Sarajevo and Washington generating annually more than 5.000 projects.

The budget allocated to international cultural cooperation in the reporting period averaged USD 8,5 million annually.

Projects include, e.g.:

 The translation project TRADUKI is a successful, large-scale project concentrating on the translation of books including children's and youth's literature from German into the languages of South-East Europe and vice versa, in which the FMEIA participates. By now the TRADUKI network comprises 13 countries and 10 languages.

 CULTURE MATTERS - UNESCO World Heritage Sites in the South East of Europe - is an Austrian initiative to support the EU-integration of all South East European countries through increased cultural cooperation.

2009 marked the years of the 140th anniversary of the establishment of diplomatic relations between **Japan** and Austria, 2011 the 40th anniversary of the establishment of diplomatic relations between the **People's Republic of China** and the Republic of Austria. The jubilees provided an opportunity to further deepen the cultural exchange between the countries.

2.2.2. Bi- and multilateral cultural cooperation

Due to the close international integration of economic, political and cultural developments international cultural cooperation is becoming increasingly important. This work is carried out in new forms of networking and regional geo-strategic cooperation. A crucial element for the development and functioning of these networks and active regional cooperation is a vibrant bilateral cultural policy that promotes the exchange and cooperation in the field of arts and cultural heritage in European countries and beyond.

The **bilateral cooperation** is based on the one hand on formal intergovernmental agreements (such as cultural agreements, Memoranda of Understanding and Joint Declarations), through the exchange of artists and experts, as well as through visits on the political level (ministers, high-level officials delegations), but also through joint projects (e.g. exchange of exhibitions) and institutional partnerships. On the other hand, targeted bilateral cooperation complements the cooperation on the multilateral level (international organizations, European Union, UNESCO, Council of Europe) and at the same time promotes synergies for the national cultural policy, in particular in the field of dissemination of knowledge of culture and intercultural dialogue.

Specific **networks of Ministers of Culture** (e.g. Council of Ministers of Culture of South East Europe, ASEM Ministers of Culture) allow for detailed discussions on topics of special interest, creating synergies and the implementing regional projects.

A number of projects related to the promotion of cultural diversity by the Federal Ministry for Education, Arts and Culture have been outlined in the previous subchapters of this chapter as well as in chapter 3. Furthermore, cultural diversity is a recurrent element in each bilateral cooperation agreement, in particular also with countries that have not ratified the Convention (awareness-raising).

2.2.3. Exchange Programmes and Residencies for Artists

The Federal Ministry for Education, the Arts and Culture also offers an **artist in residence programme** in Vienna that enables young artists from abroad to complete a specific project, to become acquainted with the Austrian arts scene and culture and to establish contacts in the arts community. The Ministry offers accommodation and the

use of a community studio, a contribution to the costs of living as well as material costs, assistance and support, visits to museums and galleries and contact to other artists. At the end of the stay the artists are offered the possibility for a small exhibition of their works to the public. Recently, the Federal Ministry hosted artists from Armenia, Azerbaijan, Bulgaria, China, Croatia, Cuba, Estonia, France, Georgia, Hungary, Israel, Lithuania, Montenegro, Macedonia, Poland, Slovakia, Turkey and United Arab Emirates.

Similarly, Austrian artists can gain international experience in one of the 15 **Austrian Ateliers** in China, USA, Czech Republic, Mexico, France, Italy and Japan.

The Federal Ministry for Education, Arts and Culture performs a wide variety of federal funding programmes for all segments of contemporary art including the performing and fine arts, music and literature, film, new media, photography, architecture and design. To provide an insight into the most recent generation of artists in Austria abroad, the Federal Ministry for Education, Arts and Culture is presenting an **exhibition from the national collection of contemporary Austrian art** in partner countries. Each piece of art in this exhibition was acquired by the Austrian state in order to support artists. Countries in which the exhibition has been presented include Azerbaijan, Belgium, China, Cyprus, Hungary, Israel, Lithuania, Montenegro, Serbia and Turkey, the next host countries of the exhibition will be Mexico and Cuba.

Additionally to these programmes administrated by the Federal Ministry for Education, Arts and Culture also the *Laender* (e.g. the *Rondo-Programme* of Styria, *Auslandsateliers* of Upper Austria, etc.) as well as numerous cultural institutions (e.g. Artists-, Dancers- and Writers in Residence programmes of *KulturKontaktAustria*) offer scholarships and artist studios to local and / or foreign artists.

2.2.4. Intercultural Dialogue:

Austria has a long standing tradition of dialogue activities with Islam and Muslim communities. With the inception of the TASK FORCE Dialogue of Cultures in the Federal Ministry for European and International Affairs in July 2007, Austria continues and even intensifies her dialogue activities.

The international Conference "Women Leaders - Networking for Peace and Security in the Middle East" that took place in Vienna in 2007, is an example for this comprehensive understanding of political dialogue and diversity with the objective of supporting the participation of women in politics and ensuring their presence at regional and international negotiation tables.

Furthermore, Austria has established an on-going initiative for **Turkish Imams and religious representatives**, who intend to work in Austria, so as to provide information and training sessions on the country, issues of migration and integration, religious and cultural diversity and inter-cultural dialogue in Austria and Europe. In order to effectively support the religious representatives' community work and their own integration, training seminars have taken place in 2008, 2010, 2011 and 2012 respectively.

In December 2008 a joint conference between Austria and the League of Arab States on "Europe and the Arab World - Connecting Partners in Dialogue", took place in

Vienna; high-level experts discussed the following topics: strengthening women; promoting pluralism and diversity management; promoting intercultural dialogue and youth participation in politics and society of young people.

Austrian dialogue activities also include an Asian perspective on Islam by various bilateral initiatives with Indonesia and Singapore with focus on religious pluralism and responsibilities of state in 2008 and 2010.

A core initiative encompassing youth perspectives and responsible leadership is the "Arab-European Young Leaders Forum" (AEYLF) that took place in 2010 in Vienna. The objective is to create a vibrant and sustainable forum, to connect young professionals in politics, civil society and business from the European Union, Turkey and the Arab world. Preparations for the **second AEYLF**, which is envisaged to take place in autumn 2012 in Cairo, are well advanced.

2.3. Integration of culture in sustainable development policies

Excerpt from the Three Year Programme of Austrian Development Policy:

Section 1(4.2) of the Austrian Federal Development Cooperation Act specifies that development cooperation "shall take into consideration ...the integration of measures into the social environment, with specific regard being paid to cultural aspects." Under Section 2(3.c) of the same Act, development cooperation projects/programmes are also meant to include cultural and scientific cooperation, exchange of information and transfer of technology.

Over the reporting period, Austria has successfully **supported initiatives** in a number of partner countries, largely in the area of cultural heritage. These projects are to be found in Nicaragua (Casa de los Tres Mundos), Bhutan (Trongsa Dzong), Nepal (Patan Darbar Temple and Museum, Garden of Dreams), Bosnia and Herzegovina (National Library), or Uganda (Ndere Cultural Centre, Development Theatre Network).

2.4 Protecting cultural expressions under threat

No special situation in accordance with paragraph 2 of Article 8 of the Convention has been identified in Austria¹.

3. Awareness-raising and participation of civil society

3.1. Involvement of civil society

¹ General information on the Austrian policy profile with regard to cultural diversity and language issues, including the six recognized ethnic minorities in Austria (Slovenes, Croats, Hungarians, Czechs, Slovaks and Roma), can be found online at the Cultural Policy Profil Austria in the Council of Europe/ERICarts Compendium of Cultural Policies and Trends in Europe: http://www.culturalpolicies.net/web/austria.php?aid=424

3.1.1. Ensuring a continuous participation of civil society

To encourage the active participation of civil society and establish a coordinated approach to the involvement of civil society, a *Working Group on Cultural Diversity* (ARGE) was set up at the Austrian Commission for UNESCO in 2004. Around 50 leading personalities representing the different cultural sectors in Austria are members of the ARGE, including individual artists as well as representatives of associations, unions, academic institutions, training facilities and collecting societies. The ARGE is set up as a network of networks, each network / association / interest group informing and consulting their members on issues of interest for their clients. Therefore the ARGE's decisions potentially represent more than 3.500 individuals active in the arts and culture. A specificity of the ARGE is the participation of representatives of the governments of the *Laender* at ARGE meetings. This set-up provides a unique forum for continuous dialogue and exchange between representatives of civil society and the public authorities on matters relating to the Convention.

Since the ARGE was already established in 2004, the working profile of the group has changed considerably over time. In the beginning the ARGE closely followed the negotiations over the text of the Convention at UNESCO, discussed the drafts and prepared amendments and background papers reflecting the experience of the cultural scene. This mode of procedure was continued for the negotiations on the Operational Guidelines, in particular during the Austrian membership in the Intergovernmental Committee (2007 – 2009). With the entry into force of the Convention the ARGE extended its fields of activities, encompassing (1) sharing and exchange of information, (2) providing expertise and know-how on cultural policy developments to public authorities, (3) organising awareness-raising activities and (4) monitoring the implementation process as well as developing concrete proposals on how to further this implementation process. The ARGE is realized with financial support by the Federal Ministry for Education, Arts and Culture.

3.1.2. Monitoring the implementation of the Convention

Additionally to the regular ARGE meetings, a pool of committed artists and cultural professionals meets in conclave once a year since 2008 (*Expertenklausur*) to evaluate the progress made in implementing the Convention the previous year. The objective of these meetings is to give political weight to the concerns of artists and cultural professionals through public comments. As a result of these meetings a declaration addressed to the political decision-makers in Austria is published. This declaration outlines progress made in the implementation process but also highlights fields in need of further action. Therewith these expert meetings provide an annual report on the implementation process in Austria from the point of view of artists and cultural professionals. The meeting is organised by the Austrian Commission for UNESCO and realized with support from the Federal Ministry for Education, Arts and Culture.

Besides these forums, specifically dedicated to the Convention, civil society organisations frequently refer to the Convention in **position papers**, **comments and press releases** to underpin their argumentation. For example around 50 organisations active in the field of culture joined forces to call upon the competent public bodies to

facilitate the mobility of artists, in particular those from developing countries who need to travel to Austria for professional reasons. An outcome of the continuous commitment of civil society in this area is the publication of a *Guide on the Mobility of Artists and Culture Professionals*, prepared jointly by the Ministries responsible for Culture, Foreign Affairs, Interior and Labour (see sub-chapter 3.1.2.). The guide is specifically aimed at foreign artists who want to visit Austria and at Austrian organizers or cultural institutions hosting events. It aims to explain and clarify requirements and procedures regarding issue of visas and work permits, tuned to the concrete needs of artists. Further proposals, based on Article 16 of the Convention, are put forward by civil society representatives.

3.1.2. Associating civil society with the development of specific cultural policies

With regard to the elaboration and implementation of specific cultural policies, various cooperation models have been established to ensure the active participation of civil society. The following models illustrate examples on federal, province and municipal level:

(I) In 2009 the Federal Ministry for Education, Arts and Culture initiated the Interministerial Working Group on the Improvement of the Social Situation of Artists in Austria (IMWG) meant to develop a package of recommendations on concrete measures to improve the working and living conditions of Austrian artists. The IMWG involves representatives of nine Federal Ministries, including the Federal Ministiry for Education, Arts and Culture the Federal Ministries responsible for Labour, Social Affairs and Consumer Protection; European and International Affairs; Finance; Interior; Justice; Economy, Family and Youth; Health; and Women and Civil Service. In addition to this explicit cross-sectoral approach, the participation of civil society constitutes a key feature of the IMWG process. Representatives of around forty civil society organisations in the cultural sector including associations, unions, academic institutions, training facilities and collecting societies - participate in the meetings. The IMWG process is structured according to thematic issues, each issue is dealt with in an individual subgroup. Issues dealt with include social security, labour market / unemployment insurance, labour law, funding of art and culture, copyright, fiscal measures, barriers to mobility, and women as a cross-cutting issue. Each of these policy areas is reviewed with regard to its implications for artists and, consequently, possible adaptations or exemptions in the respective policy field so as to more appropriately reflect the reality of artistic creation. Therewith the IMWG provides an institutionalised framework for inter-ministerial cooperation and dialogue with civil society, contributing to the process of awareness raising and sensitising policy managers from other sectors to cultural issues. The IMWG process will be continued until the end of the current legislative period in 2013. Results of this consultation process - so far - include the above mentioned amendment of the Artists Social Security Law (see sub-chapter 2.1), an amendment of the Austrian Labour Law for Actors to comply with requirements of modern acting (ia. adjustments of provisions on contracts, working hours, holiday entitlements), and the elaboration of a Mobility Guide for Artists.

- (II) In the beginning of 2007 the Land of Upper Austria initiated a public consultation process on the future Culture Mission Statement for the Land of Upper Austria. Key emphasis was put on securing the greatest possible participation, in particular of artists and cultural professionals, in this process. The involvement of civil society was facilitated by an online-discussion platform, local discussion events and a questionnaire on relevant issues and challenges. A discussion paper prepared by the department for culture of the government of Upper Austria served as basis for the consultation. Over the course of two years more than 2.500 persons participated in the discussion process. The results of this process were incorporated in the final Culture Mission Statement, which outlines the cultural policy guidelines, objectives and priorities of the cultural policy of Upper Austria for the next fifteen years. Every two years the government of Upper Austria will report on the progress achieved.
- (III) In 2008 the municipality of *Wörgl*, located in the *Land* of Tyrol, started a *culture development process* as part of the Local Agenda 21, recognising art and culture as central pillars of sustainable local development. In a community-wide participation process involving local artists, cultural associations and operators as well as interested locals in e.g. networking meetings, discussions, interviews and workshops the current conditions for cultural creation and participation in *Wörgl* were assessed and ideas for improvement developed. The resulting document, the *Culture Mission Statement of Wörgl*, has been adopted by the municipality and serves as basis for cultural initiatives, measures by the municipality and their evaluation.

3.2. Raising awareness for the Convention

To raise awareness among decision makers active in fields relevant to the Convention, two special workshops were organised: In 2009 an **inter-ministerial round table** was organised, assembling officials from the Federal Ministries responsible for culture, the arts, education, foreign affairs, internal affairs, law, economy and trade, science and media. The discussion highlighted links to the competences of those present and identified fields in need for a coordinated approach to ensure a consistent national implementation process. Further it was decided, that the participating representatives function as points of contact within their ministries for matters relating to the Convention. To ensure involvement of the *Laender* the Federal Ministry for Education, Arts and Culture, in cooperation with the Austrian Commission for UNESCO, organised an **information meeting** with the Cultural Coordinators of the nine Austrian federal provinces in 2010. Similarly to the inter-ministerial round table, the participating representatives discussed and defined modes of consultation and cooperation in the scope of the national implementation process.

To ensure visibility and promote awareness, the Convention has been presented and discussed at numerous **public events** since 2005 – including symposia, panel and round table discussions, seminars, workshops and cultural events. The events were conducted in close cooperation with civil society and media representatives, seeking synergies with established communication channels and cultural events. Cooperation partners included Federal Ministries, governments of the *Laender*, national newspapers, trade unions, cultural festivals such as *Ars Electronica* and *Steirischer*

Herbst and national as well as European associations active in the field of culture. In addition to events dedicated explicitly to the Convention, the Convention was also presented in the course of other meetings, such as the annual meetings of the Heads of the Departments for Culture of the governments of the Laender, hearings at the National Assembly (e.g. hearing on the future of music in Austria 2008 and on public-service broadcasting and media diversity in Austria 2009), board meetings of interest groups (e.g. Austrian Music Council, Association of Austrian Authors), media campaigns of the cultural sector (e.g. "fairMusic" 2007), lectures at universities (e.g. Summer Academy, University of Vienna 2009), culture information fairs (e.g. "Culture & Regional Development" 2010), etc.

On the part of civil society, several initiatives have been taken to increase the visibility of the Convention. One of these initiatives is the *Musikfest für Vielfalt* (Music Festival for Diversity), which was initiated by the Austria Music Council in 2010. Explicitly based on the UNESCO-Convention, the initiative's goal is to make the existing variety of musical expressions available to a broad public. Interested parties are invited to cross genre-, generation-, ethnicity- and other boundaries to make music together. Each year, the festival is celebrated in respect to the World Day for Cultural Diversity on 21 May. In 2010 for example, over 200 events celebrating musical encounters took place all over Austria in the name of the *Musikfest für Vielfalt*. The event is realized with financial support from BMUKK as well as the voluntary commitment of numerous professional and non-professional musicians and event-locations.

With financial support from the Federal Ministry for Education, Arts and Culture and the Federal Ministry for European and international Affairs, the Austrian Commission for UNESCO (ÖUK) developed information materials on the Convention: In 2005 and 2009 the national Commission published information brochures ("Culture for Sale? On the true nature of Art and Culture", 2005 and "Cultural Diversity. At no/all/what costs?", 2009) which describe the Convention and its practical impact, explain the links between the Convention, GATS, art and culture, goods and services and illustrate the impact of the Convention with concrete examples. With the establishment of the Point of Contact at the Austrian Commission for UNESCO a central online platform on the Convention in Austria was set up (http://kulturellevielfalt.unesco.at). The web site provides in-depth information about ongoing developments associated with the Convention, offers information on its content and background and describes priorities and structures for its implementation in Austria. It also features a "blackboard", where representatives of civil society / the ARGE and public authorities can inform an interested public directly about their activities / concerns in relation to the Convention, as well as a password-protected "e-work space" for ARGE members to facilitate the organisation of common activities. Since 2011 a newsletter is published four times a year.

3.3. Collection, sharing and exchange of data and information

To collect data and identify fields of action with regard to the implementation of the Convention, the Austrian Commission for UNESCO commissioned a study in 2009. This **stock-taking exercise**, conducted by "österreichische kulturdokumentation: internationales archiv für kulturanalysen", provides an overview of the bodies responsible for implementing the Convention in Austria and names possible courses of action to further the implementation in selected policy fields. To showcase which

measures have already been taken, the Point of Contact conducted a survey in 2011, addressing public bodies on federal, province and local level as well as civil society (see chapter 1 lit (i)). The results of this **survey** will be published and disseminated among all relevant authorities and interested parties in the second half of 2012. The objective is to exemplify good-practices and present suitable procedures and innovative approaches to the implementation of the Convention.

Regarding the musical sector specifically, the Institute for popular Music at the University of Music and Performing Arts Vienna started the research project *Austrian Report on Musical Diversity* in 2009. The three year project aims to analyze the structure and development of musical diversity in Austria between 2000 and 2010. In accordance with the Convention, indicators and measures relating to music in different areas, such as education, funding, development cooperation, events, the music market, and the media, were analyzed. The intermediate results were presented to an international expert audience at the *European Forum on Music* regarding *Musical Diversity* in April 2010. The complete study, to be published in May 2012, is meant to serve also as a basis for cultural policy recommendations.

Furthermore it should be mentioned that associations, research facilities and other civil society organizations continuously contribute to a vivid discourse and critical monitoring of cultural policy developments by conducting or commissioning sector-specific analyses and surveys. Recent subjects covered include:

- cultural participation of migrants and the potential and the needs of artists and culture professionals with a migrant background;
- approaches and scope of action in support of the cultural dimension of international coopperation for development;
- working conditions and culture-political perspectives of specific sectors, such as the performing arts (theatre/dance);
- challenges and chances of the shift to digital technologies for specific sectors, such as the movie and book markets.

4. Main achievements and challenges to the implementation of the Convention

The implementation of the Convention in Austria builds upon an elaborated set of structures and policy instruments for the promotion and protection of art and culture – ranging from legislation on specific cultural expressions, to a wide variety of funding schemes, to financial instruments such as reduced tax rates; to organizations dedicated to the promotion of international cultural exchange, etc. – already in place when the Convention entered into force. Given this point of departure, measures taken to implement the Convention, as described in chapter 2, rather supplement existing policy instruments than introduce a major policy shift.

However, with the entry-into-force of the Convention a **new perspective and reference framework** was introduced to cultural policy debates. For example references to the importance of a diversity of cultural expressions and of ensuring the necessary framework conditions for it flourish are becoming increasingly prevalent in political debates (e.g. parliamentary initiatives calling for the incorporation of the

Convention into existing legislation). Awareness for the cross-cutting nature of **culture** is growing, as reflected for example in the establishment of inter-ministerial coordination mechanisms to elaborate the specific need of artists, professionals and practitioners of the cultural sector in all relevant policy fields reflect (e.g. interministerial working group) or in measures taken to promote cultural participation and communicate art and culture in the education sector (e.g. the programmes p[ART] and culture connected). Similarly also awareness for the **added value of** culture for economical and societal development is growing, as reflected for example in initiatives to support the development of a viable and competitive cultural industry (e.g. the programmes evolve and go international) and initiatives to stress culture as a location factor (e.g. focus on the Austrian intangible cultural heritage by *Tourismus Austria* in 2012², the funding initiative *Film Location Austria* introduced in 2010³). Furthermore efforts to establish ad-hoc as well as institutionalized mechanisms for participation and consultation of civil society and representatives of the cultural sector in the identification, elaboration and implementation of culture-related policies have been increased (see subchapter 3.1.2.). These developments are supported by solid **coordination** structures dedicated to the Convention (Advisory Panel and Working Group on Cultural Diversity, see sub-chapter 3.1.1.), which gained widespread approval among public authorities and civil society.

A general problem is that the term *cultural expression* is not very common in the German language therefore diversity of cultural expression is often equated with cultural diversity, leading to confusions about the subject and objectives of the Convention (e.g. believing that the Convention aims for diversity management). Additionally the Convention leaves with regard to some currently pressing issues, for example authors rights in the digital age, considerable room for interpretation. Other issues the Convention touches upon, like culture and trade or culture and development, are quite complex or relatively "new" ideas. The wide range of themes covered by the Convention is an advantage as well as a disadvantage - allowing the definition of priorities adapted to the specific circumstances, while at the same time lacking clear indicators to assess the implementation progress. In general the lack of reliable and comparable data in the cultural realm poses a challenge. Many respondents to the survey conducted in preparation of this report (see chapter 1 lit (i) point 1) reported a lack of data to underpin and provide evidence to evaluate the effects of their measures in the broader context of promoting and protecting the diversity of cultural expressions. Also, the survey showed a need to further raise awareness for and visibility of the Convention: Most of the reported measures were taken without being aware of- or the intention of contribution to the implementation of the Convention. However, it should be noted that the survey itself contributed to raise awareness for the Convention. The production of information material and publication of goodpractice examples (see sub-chapter 3.3.) further contributes to the understanding how the Convention can be translated into coordinated and effective action.

² http://www.austria.info/us/passion-for-tradition

³ http://www.filmstandort-austria.at/index.php?lang=EN

Nevertheless, one has to bear in mind that the implementation process is still at an early stage. The way forward is to continue building upon existing networks and structures, working together with the concerned public authorities and civil society representatives and applying a case-by-case approach.